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MCQUAID, BEDFORD, BRAYTON, CLAUSEN & METZLER

ATTORNEYS AT LAW

JUL 31 1989

TELECOPIER:

(415) 392-3969

650 CALIFORNIA STREET, SUITE 800

SAN FRANCISCO, CALIFORNIA 94108

(415) 392-7077

Federal Communications Commission
Office of the Secretary

J. DENNIS MCQUAID
LYMAN D. BEDFORD
RONALD K. CLAUSEN
ROGER J. METZLER
JAMES D. CAVEN
CRAIG A. PRIDGEN

ALAN R. BRAYTON
ERIC SOLOMON
SHELLEY M. STUMP
SYLVIA GILBERTSON
DEBORAH CALDERON
STEVEN M. HAROWITZ
AUDREY A. SMITH
FRANCINE S. CURTIS

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both believed that building the tower after

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Constructing within Truckee appears to be next to impossible because of the opposition of the residents (see statement of KHTX Chief Engineer, Exhibit B). All of this has been presented to the Commission, both in the pleadings seeking waivers for coverage of the city of license and in the pleadings responsive to Mr. Constant's Petition to Deny the city of license. The Commission's response was to suggest another city of license.

Americom agreed with the Commission's suggestion that it must relocate to another community. In searching for other possible locations for relocation the most obvious appears to be the Lake Tahoe Basin. However, this area poses the same problems as Truckee with the additional problem of environmental delicateness. The Lake Tahoe Basin has recently been through a period of construction moratorium and although that has recently ended, construction permits are very difficult to obtain. The Tahoe Regional Planning Authority is very strict regarding new construction and all new proposals are subject to legislative scrutiny in both Nevada and California. Zoning requirements are stiffer in the Lake Tahoe Region than they are near Truckee. As an example of the strict environmental protection measures in the area, at certain times of the year one must obtain a permit to move snow (see Exhibit B). With environmental concerns and regulation running so high it would be impossible to obtain permission to build. Further, every real community of any reasonable size in the Lake Tahoe Basin has a radio station.

Outside of the Truckee area and Tahoe Basin area the closest community which is large enough to support KHTX AM is Reno. Americom felt Reno was well served and sought to relocate to Sparks. The Sparks area differs from Truckee and the Tahoe Basin in that it is growing and seeks industrial development.

Americom recognizes that Sparks is presently served by two other stations. However, given the alternatives of areas which do not want an unsightly tower or communities which are far too small to support a radio station, the Sparks area is the only viable alternative.

Your letter asked if we could not remain in Reno.

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To respond to the question regarding "alternative" communities: None of the so-called "communities" along Interstate Highway 80 are anything more than a grouping of condominiums, ski areas and a general store. Sparks has a population of 40,780 in the last census. It has grown since then (Verdi, along Highway 80, by contrast, has a population of 1,256). It is noteworthy that the opposition of Fred Constant, even when challenged to find a suitable site for service to Truckee, never found a site. Americom has diligently pursued serving the public interest in the Truckee area by having been the only one that...

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P.c

SCHNEIDER, COLLINSON & LANGE

ATTORNEYS AT LAW

Richard L. Schneider, Inc.
c/o Schneider, Collinson & Lange
10000 N. 1st Ave.

September 7, 1984

(Reply to)

120 Richardson St. Suite A
Grass Valley, CA 95945
(916) 273-4474

PO Box 8550
10038 Meadow Way, Suite C
Truckee, CA 95737
(916) 587-9233

Don Riolo, Planning Director
Nevada County Planning Department
10433 Willow Valley Road
Nevada City, CA 95959

RE: City News Service of Los Angeles, Inc.
Application for 200' Radio Tower

Your File: U83-35
EIS83-60

Dear Mr. Riolo:

As stated at the zoning administrator's hearing on September 6th, 1984, this office has been contacted by the Panonnia Ranchos Homeowners Association concerning the above referenced radio transmission tower. Since that hearing, this office has also been retained by Don & Carol Orme as individuals concerning KTRT's attempt to construct an approximate 200' radio tower.

Since the September 6th hearing, this office has further investigated the original application for the 200' tower and has noticed at least one discrepancy in the procedures to be followed by the county in this matter. Specifically, Don & Carol Orme who have owned Parcel 16-802-33-09 since August of 1981 did not receive notice of the rezoning application or application for conditional use permit. The records this office has obtained indicates that the Planning Department contacted George Gardai, who was the original developer of Panonnia Ranchos.

Because the Ormes are within two parcels of the subject parcel, they should have received notice and did not receive that notice. There does, therefore, appear to be a defect in the notice given with the original approval of the 200' tower. As you are probably aware, recent case law has confirmed the property owners absolute right to receive notice and any defect in that notice makes the subsequent hearing invalid.

This office is continuing its investigation concerning this entire matter. We simply desire to put you on notice at this time of the apparent defect in the notice and hearing procedures

EXHIBIT A

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Don Riolo, Planning Director
September 7, 1984
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so you can begin your own investigation. Additionally, we are copying the applicant, City News Service of Los Angeles, Inc., so that they will likewise be aware of the defective procedure that was followed so that they will not suffer any damages by being required to remove any construction which may commence in the interim.

If you wish to discuss this matter, please do not hesitate to contact this office. I would like to thank you in advance for your courtesy and cooperation and prompt attention to this situation.

Yours truly,

SCHNEIDER, COLLINSON & LANGE



BRENT P. COLLINSON

BPC/jrs

cc Don & Carol Orme
Panonnia Ranchos Homeowners Assn.
Pat Sutton, Supervisor District 5
City News Service of L.A., Inc.
KTRT, ATTN: Tom Quinn ✓

EXHIBIT A